

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

DAVID LAWSON

PLAINTIFF

V.

CASE NO. 4:19-CV-00579-KGB-JTK

ANDREW SAUL, Commissioner  
Social Security Administration

DEFENDANT

**PROPOSED FINDINGS AND RECOMMENDATIONS**

**INSTRUCTIONS**

The following recommended disposition has been sent to United States District Court Judge Kristine G. Baker. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Clerk no later than fourteen (14) days from the date of the findings and recommendations. The copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

If you are objecting to the recommendation and also desire to submit new, different, or additional evidence, and to have a hearing for this purpose before the United States District Judge, you must, at the same time that you file your written objections, include a "Statement of Necessity" that sets forth the following:

1. Why the record made before the Magistrate Judge is inadequate.

2. Why the evidence to be proffered at the requested hearing before the United States District Judge was not offered at the hearing before the Magistrate Judge.
3. An offer of proof setting forth the details of any testimony or other evidence (including copies of any documents) desired to be introduced at the requested hearing before the United States District Judge.

From this submission, the United States District Judge will determine the necessity for an additional evidentiary hearing, either before the Magistrate Judge or before the District Judge.

Mail your objections and “Statement of Necessity” to:

Clerk, United States District Court  
Eastern District of Arkansas  
600 West Capitol Avenue, Suite A 149  
Little Rock, AR 72201-3325

DISPOSITION

Plaintiff's filed the instant complaint (DE # 2) against Defendant on August 19, 2019, along with a Motion for Leave to Proceed In Forma Pauperis (DE # 1). On that same day, the Court found that Plaintiff's application was incomplete. (DE # 3) The Court ordered the Plaintiff to provide within fourteen (14) days of the Order some explanation as to any source(s) of income and/or means of support. To date, the Plaintiff has not filed an amended Motion for Leave to Proceed In Forma Pauperis or paid the required filing fee.

A district court may sua sponte dismiss an action for the Plaintiff's failure to prosecute or comply with a court order. *See Holly v. Anderson*, 467 F.3d 1120, 1121 (8th Cir. 2006). In this matter, Plaintiff has failed to comply with the Court's order and has not

made a showing of good cause to support an extension or to support that this matter should not be dismissed without prejudice.

Conclusion

Based on the foregoing, it is recommended that Plaintiff's complaint (DE # 2) be dismissed without prejudice for failure to obey an order of the Court.

SO ORDERED this 9th day of September, 2019.



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UNITED STATES MAGISTRATE JUDGE